

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPH PAUL GUARNERI,

Plaintiff,

v.

08-CV-0792

R.K. WOOD, Superintendent, Upstate Correctional Facility; M. TIRONE, Deputy Superintendent, Upstate Correctional Facility; L. PEARY, Sergeant of Grievance Program; LESTER WRIGHT, Chief Medical Officer and Associate Commissioner; BRIAN FISCHER, Commissioner; LUCIAN LECLAIRE, Deputy Commissioner; M. TRAVERS, Nurse; N.P. PARMER; CARR, Correctional Officer; WARRINER, Correctional Officer; JOHN DOE, Sergeant; JANE DOE, Nurse Administrator; JOHN DOE, Medical Director; SOUCIA, Law Library Officer; J. DEMARSE, Mental Health Counselor; R. HALLARD, Counselor; GEORGE B. ALEXANDER, NYS Division of Parole; PETER SKINNER, Parole Officer; B. ROBIN, Senior Parole Officer; MR. LOWARY, Parole Area Supervisor; and LUSSEVE, Parole Officer;

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

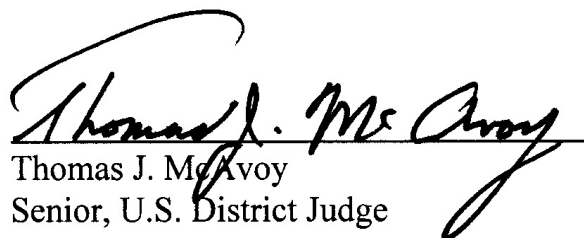
No objections to the August 12, 2010 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is

not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is, therefore, ORDERED that Guarneri's motion for summary judgment (Dkt. No. 59) is DENIED without prejudice to renewal following completion of discovery.

IT IS SO ORDERED.

Dated: September 20, 2010


Thomas J. McAvoy
Senior, U.S. District Judge